```
>> 411 Seventh Avenue
>> Pittsburgh, PA 15219
>> 412-393-1518 - telephone
>> 412-383-1418 - fax
>>
>>
>>
>> ----Original Message----
>> From: John Reardon [mailto:xreardon@earthlink.net]
>> Sent: Tuesday, March 09, 2010 10:21 AM
>> To: Gannon, Lesley
>> Subject: FW: Duquesne Light
>> Dear Lesley,
>>
>> We filed the attached lease notification, in order to get the ball
>> rolling with the FCC. We can always retract or amend these if you
>> wish. But they reflect the lease of the channels involved in the
>> sale of the license to Duquesne.
>>
>> We will prepare the assignment paperwork separately and send that to
>> you soon.
>> Please call or email me with any questions.
>> Thanks,
>>
>> John
>>
>
>
```

From: Sent:

Dennis C. Brown [d.c.brown@att.net] Wednesday, March 31, 2010 2:34 PM

To:

Subject:

Gannon, Lesley
MCLM > DLC Assignment Application

Les,

The assignment application file number is 0004193328.

From: Dennis C. E Sent: Monday, Ap

Dennis C. Brown [d c.brown@att.net] Monday, April 12, 2010 10:12 AM

To: Gannon, Lesley

Subject: MCLM Assignment of Authorization Application

Leslie,

A few days ago, I sent you the file number of the application for FCC consent to assignment of spectrum from Maritime Communications/Land Mobile, LLC to the Company. I've not yet heard whether you've had an opportunity to review and approve it. Please let me know when you do.

The assignment application file number is 0004193328.

From: Dennis C. Brown [d.c.brown@att.net]
Sent: Thursday, April 15, 2010 5:50 PM

To: Gannon, Lesley

Subject: Re: MCLM Assignment of Authorization Application

Attachments: Duquesne Portion of Application.pdf

Les,

I don't know why you're having difficulty but I can suggest two approaches. First, I can delete the current application and prepare a replacement. That could clear the obstruction that you're seeing.

Second, if you will answer the questions on the attached two pages and provide me with DLC's Universal Licensing System password, I can complete the entire process.

Please let me know how I can help.

```
Curt
```

```
On 4/15/2010 4:47 PM, Gannon, Lesley wrote:
> Curt,
> I apologize for the delay. We had some trouble getting into the system (now resolved). I
have reviewed the portions that you completed. It appears that Questions 12 to 16; 67 to 81;
and 94 to 102 need to be completed, presumably by DLC. According to what I'm seeing, all
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> What specifically do you need from DLC?
> Les
> ----Original Message----
> From: Dennis C. Brown [mailto:d.c.brown@att.net]
> Sent: Monday, April 12, 2010 10:12 AM
> To: Gannon, Lesley
> Subject: MCLM Assignment of Authorization Application
> Leslie,
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> for FCC consent to assignment of spectrum from Maritime
> Communications/Land Mobile, LLC to the Company. I've not yet heard
> whether you've had an opportunity to review and approve it. Please let me know when you
> The assignment application file number is 0004193328.
>
> Curt
>
>
```

Assignee/Transferee Information							
67) Assignee/Transferee is a(n): (Select One)							
Individual Unincorporated Association	Trust	Gov	emment E	intity Con	poration [	Limited Liabil	ity Company
General Partnership Limited Partnership	□ r	imited Liability	/ Partners	hip Con	sortium		
Other							
68) FCC Registration Number (FRN). 0007867435	58) FCC Registration Number (FRN). 0007867435						
69) First Name (if individual):		мі	Last Na	me.		····	Suffix
70) Legal Entity Name (if not an individual)							
71) Attention To							
72) Real Party in Interest FCC Registration Number (F	RN)						
73) Name of Real Party in Interest.							
74) PO Box	And /Or	75) Street /	Address:				
76) City:				77) State		78) Zip Code	
79) Telephone Number:			80) Fax	Number.			
81) E-Mail Address:							
82) Demographics of Assignee/Transferee (Op	tionall				–	_	
Race: American Indian or Alaska Native	Ethn	icity:	ino			der:	
Asian	☐ Hispanic or Latino ☐ Not Hispanic or La						
Black or African-American		or maparite of					
Native Hawaiian or Other Pacific Islander							
☐ White	}						
Assignee/Transferee Contact Representative (	f other	than Assign	ee/Trans	sferee)			
63) First Name.	м	l	Last Na	ime:			Suffix
84) Company Name:							
85) Attention To:							
86) P.O Box	And /Or	87) Street	87) Street Address				
88) City				89) State. 90) Zip Cox		90) Zip Code:	
91) Telephone Number 9			92) Fax Number				
93) E-Mail Address							
						EC	C 603 - Main Form

February 2008 - Page 5

wn	ership Disclosure Information	·	
94a)	Is the Assignee/Transferee required to file FCC Form 602, Ownership Disclosure Information for the Wireless Telecommunications Services?	(	) <u>Y</u> es <u>N</u> o
94b)	If 94a is 'Y', provide the File Number of the FCC Form 602 that is required to be submitted in conjunction with this application or already on file with the FCC.	File Number	~
Jien	Ownership Information		
95)	is the Assignee/Transferee a foreign government or the rapresentative of any foreign government?	(	) Yes No
95)	s the Assignee/Transferee an alien or the representative of an alien?	(	)⊻es <u>N</u> o
97)	s the Assignee/Transferee a corporation organized under the laws of any foreign government?	(	) <u>Y</u> es <u>N</u> o
	is the Assignee/Transferee a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	(	) <u>Y</u> es <u>N</u> o
	Is the Assignee/Transferee directly or indirectly controlled by any other corporation of which more han one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country?	(	) <u>Y</u> es <u>N</u> o
	If 99a is 'Y', has the Assignee/Transferee received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service(s) and geographic coverage area(s) involved in this application?	(	) <u>Y</u> es <u>N</u> o
	if 99b is 'N', attach a date-stamped copy of a request for a foreign ownership ruling pursuant to Section 310(b)(4) of the Communications Act.		
asic	Qualification Information		
•	Has the Assignee/Transferee or any party to this application had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission?	(	) <u>Y</u> es <u>M</u> o
	Has the Assignee/Transferee or any party to this application, or any party directly or indirectly controlling the Assignee/Transferee ever been convicted of a felony by any state or federal court?	(	) <u>Y</u> es <u>N</u> o
	Has any court finally adjudged the Assignee/Transferee, or any party directly or indirectly controlling the Assignee/Transferee guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive raffic arrangement, or any other means or unfair methods of competition?	(	) <u>Y</u> es <u>N</u> o

FCC 603 - Main Form February 2008 - Page 6

From: Dennis C. Brown [d.c.brown@att.net]
Sent: Thursday, April 15, 2010 6:43 PM

To: Gannon, Lesley

Subject: Re: MCLM Assignment of Authorization Application

Les,

MCLM has filed an application to modify the license from the Commercial Mobile Radio Service regulatory classification to Private Mobile Radio Service. This means that DLC will not have to file an ownership report. You can answer the question concerning ownership report requirement in the negative.

Curt

>>

```
On 4/15/2010 6:16 PM, Gannon, Lesley wrote:
> Curt,
> As you have probably gathered, DLC does not do a lot of these R/F transactions. Question
94a addresses Form 602, Ownership Disclosure Requirements. DLC does not have ownership
information on file with the FCC (presumably it wasn't required when the prior applications
were submitted). Would DLC have to submit those Form 602s now? DLC is owned by a succession
of corporate entities that ultimately (three entities up) is owned by several domestic and
international companies and consortiums owning utilities around the world.
> Based upon my very brief research, DLC would have to disclose the licenses of the entities
owned or controlled by the international companies, correct? If so, gathering this
information will take some time.
>
> Les
>
>
> ----Original Message----
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> Sent: Thursday, April 15, 2010 5:50 PM
> To: Gannon, Lesley
> Subject: Re: MCLM Assignment of Authorization Application
>
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>
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can delete the current application and prepare a replacement. That could clear the
obstruction that you're seeing.
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DLC's Universal Licensing System password, I can complete the entire process.
        Please let me know how I can help.
>
> Curt
> On 4/15/2010 4:47 PM, Gannon, Lesley wrote:
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```

```
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>>
>> What specifically do you need from DLC?
>>
>> Les
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>> Sent: Monday, April 12, 2010 10:12 AM
>> To: Gannon, Lesley
>> Subject: MCLM Assignment of Authorization Application
>>
>> Leslie,
>>
          A few days ago, I sent you the file number of the application
>>
>> for FCC consent to assignment of spectrum from Maritime
>> Communications/Land Mobile, LLC to the Company. I've not yet heard
>> whether you've had an opportunity to review and approve it. Please let me know when you
do.
>> The assignment application file number is 0004193328.
>>
>> Curt
>>
>>
>>
```

> Les,

From: Gannon, Lesley Sent: Friday, April 16, 2010 4:23 PM To: 'Dennis C. Brown' Subject: RE: MCLM Assignment of Authorization Application Attachments: MCLM FCC App - DLC Pages.pdf Curt, Attached are the pages you requested. Thank you for taking care of this. Les ----Original Message----From: Dennis C. Brown [mailto:d.c.brown@att.net] Sent: Thursday, April 15, 2010 6:43 PM To: Gannon, Lesley Subject: Re: MCLM Assignment of Authorization Application Les, MCLM has filed an application to modify the license from the Commercial Mobile Radio Service regulatory classification to Private Mobile Radio Service. This means that DLC will not have to file an ownership report. You can answer the question concerning ownership report requirement in the negative. Curt On 4/15/2010 6:16 PM, Gannon, Lesley wrote: > Curt, > As you have probably gathered, DLC does not do a lot of these R/F transactions. Question 94a addresses Form 602, Ownership Disclosure Requirements. DLC does not have ownership information on file with the FCC (presumably it wasn't required when the prior applications were submitted). Would DLC have to submit those Form 602s now? DLC is owned by a succession of corporate entities that ultimately (three entities up) is owned by several domestic and international companies and consortiums owning utilities around the world. > Based upon my very brief research, DLC would have to disclose the licenses of the entities owned or controlled by the international companies, correct? If so, gathering this information will take some time. > Les > > ----Original Message----> From: Dennis C. Brown [mailto:d.c.brown@att.net] > Sent: Thursday, April 15, 2010 5:50 PM > To: Gannon, Leslev > Subject: Re: MCLM Assignment of Authorization Application

```
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>> whether you've had an opportunity to review and approve it. Please let me know when you
>> The assignment application file number is 0004193328.
>>
>> Curt
>>
>>
>>
>
```

Assignee/Transferee Information			· · · · · · · · · · · · · · · · · · ·				
67) Assignee/Transferee is a(n): (Select One)							
Individual Unincorporated Association	Individual Unincorporated Association Trust Government Entity Corporation Limited Liability Company						ty Company
General Partnership Limited Partnership	L	imited Liability	y Partners	hip Consort	ium		
Other.							
68) FCC Registration Number (FRN): 0007867435	68) FCC Registration Number (FRN): 0007867435						
69) First Name (if individual):		MI:	Last Na	me.		· · · · · · · · · · · · · · · · · · ·	Suffix:
70) Legal Entity Name (if not an individual): Diguesne Light Corresponding 71) Attention To: Communications Repartment less tilles							
71) Attention To: Communication	<u> </u>	Trepar	477	14/1/2	<u> </u>	Mar-	
72) Real Party in Interest FCC Registration Number (F	RN):		···	,			
73) Name of Real Party in Interest:				<u>.</u>	., <u>.</u>		
74) P.O Box:	And /Or	75) Street /	Address	2839 N	1. J. J.	Peaver	AFRICE
76) City: fittsburah				77) State: FA		78) Zip Code	K233
79) Telephone Number: 4/2-393-843				Number: 4/2.	39	3-1746	:
81) E-Mail Address: / pi//ar / du	7 €	<i>}</i>	iom				
82) Demographics of Assignee/Transferee (Opt				<del></del>		<del></del>	
Race: American Indian or Alaska Native	Ethnicity: Gender: Male						
Asian		ot Hispanic or	Latino	:	F	emale	
Black or African-American	Black or African-American						
Native Hawaiian or Other Pacific Islander	adach emperatura						
☐ White					l		
Assignee/Transferee Contact Representative (if other than Assignee/Transferee)							
83) First Name:	М	l	Last Na	me.			Suffix <sup>-</sup>
84) Company Name:							
85) Attention To:							
86) P.O. Box:	And /Or	87) Street A	Address:			-	
88) City.			89) State: 90) Zip Code:		-		
91) Telephone Number: 92) Fax Number:							
93) E-Mail Address:							

Ownership	Disclosure	Information
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94a) Is the Assignee/Transferee required to file FCC Form 602, Ownership Disclosure Information for the Wireless Telecommunications Services?	( र्हें ) Yes No
94b) If 94a is 'Y', provide the File Number of the FCC Form 602 that is required to be submitted in conjunction with this application or already on file with the FCC	File Number:

#### Alien Ownership Information

95) Is the Assignee/Transferee a foreign government or the representative of any foreign government?	(\(\hat{\chi}\)\)Yes \(\bar{N}\)\)
96) Is the Assignee/Transferee an alien or the representative of an alien?	( Å ) <u>Y</u> es <u>N</u> o
97) Is the Assignee/Transferee a corporation organized under the laws of any foreign government?	(⋀ <sup>‡</sup> ) <u>Y</u> es <u>N</u> o
98) Is the Assignee/Transferee a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	(Å√) <u>Y</u> es <b>N</b> o
99a) Is the Assignee/Transferee directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country?	(人 <sup>:</sup> ) <u>Y</u> es <u>N</u> o
99b) If 99a is 'Y', has the Assignee/Transferee received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service(s) and geographic coverage area(s) involved in this application?	( <u>) Y</u> es <u>N</u> o
If 99b is 'N', attach a date-stamped copy of a request for a foreign ownership ruling pursuant to Section 310(b)(4) of the Communications Act.	

## Basic Qualification Information

100) Has the Assignee/Transferee or any party to this application had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission?	( <b>∫</b> ∫) <u>Y</u> es <u>N</u> o
101) Has the Assignee/Transferee or any party to this application, or any party directly or indirectly controlling the Assignee/Transferee ever been convicted of a felony by any state or federal court?	( N) <u>Y</u> es <u>N</u> o
102) Has any court finally adjudged the Assignee/Transferee, or any party directly or indirectly controlling the Assignee/Transferee guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition?	( № ) <u>Y</u> es <u>N</u> o

From: Dennis C. Brown [d.c.brown@att.net]
Sent: Friday, April 16, 2010 4:34 PM

To: Gannon, Lesley

Subject: Re: MCLM Assignment of Authorization Application

Les,

Thanks. To get into the system to file DLC's portion of the application, I need the Company's Universal Licensing System password which is associated with FCC Registation Number 0007867435.

```
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> Curt,
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> Les
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>>> The assignment application file number is 0004193328.
>>>
>>> Curt
>>>
>>>
>>>
>>>
>>
>>
```

From: Dennis C. Brown [d.c.brown@att.net]
Sent: Wednesday, April 21, 2010 4:33 AM

To: Gannon, Lesley Subject: Application Filed

Lesley,

I have filed with the FCC the application for consent to disaggregation of spectrum from Maritime Communications/Land Mobile, LLC to the Company.

From: John Reardon [xreardon@earthlink.net]
Sent: Tuesday, January 04, 2011 11:06 AM

To: Gannon, Lesley Subject: Our discussion

Attachments: HavensLosesAtUSSupCt.pdf .pdf

Dear Lesley,

Thanks for your time on the phone today. It was good to catch up, and I hope you will not hesitate to contact me if you have any further questions or wish for me to attend a meeting in person in Pittsburgh. I am happy to do so!

As I mentioned, we have retained the law firm of Wiltshire Grannis LLP to represent us at the FCC regarding the inquiry into the small business status of MCLM, LLC at the auction. Tricia Paoletta is the attorney in charge of our case there, she is excellent.

The licenses Duquesne Light is purchasing are incumbent, not auction licenses, so we are urging the FCC to approve incumbent license sales notwithstanding its inquiry about the auction licenses.

In any event, we hope to have the FCC inquiry wrapped up this month of January and to reach a global settlement agreement that resolves the Havens' allegations once and for all. We feel very strongly that once the FCC approves the assignment of licenses to Duquesne Power, it is most unlikely for them or the District Court of Appeals in DC to reverse the FCC's decision.

This view is strengthened by the fact that Havens has already had a bite at the apple, having appealed his California case against us, Mobex Communications, Inc. and Paging Systems, Inc. (other AMTS licensees) to the US Sup Ct and being denied his writ of certiorari. That denial is attached, please see page 16.

Havens also filed the same case in New Jersey federal court, we are this week preparing our motion to dismiss based on collateral estoppel and res judicata. Our attorney there is Rob Mauriello. Please let me know if you wish to talk with Rob or Tricia, or both, and I will send you their contact information.

This being America, anyone can sue anybody for anything. The likelihood of success varies greatly. We believe the chances that Havens would be successful in appealing an FCC grant to Duquesne Light are very small, and hope you agree to hang in there with us until we get that FCC approval, which could be any day or week now.

Also, we are amenable to leasing the spectrum for 99 years, which lease would expire automatically upon the dismissal of Havens' appeal, if there is one. The FCC does not approve leases, and we believe this will be a slam dunk appeal dismissal of any FCC approvals.

I will send you any information directly by email going forward that relates to our transaction and/or any of this Havens nonsense.

Yours sincerely,

## John

John Reardon CEO Maritime Communications/Land Mobile, LLC 218 N. Lee Street, Suite 318 Alexandria, VA 22314 (703) 778-6555 office (703) 887-2109 cell (703) 548-4399 fax

From: Sent: John Reardon [xreardon@earthlink.net] Tuesday, January 04, 2011 12:32 PM

To: Subject: Gannon, Lesley Re: Our discussion

Attachments:

DEMCO Motion to Strike.pdf

Dear Leslie,

After we hung up, I thought it may be helpful to share with you a recent filing by another utility which has been similarly harassed by Havens.

Dixie Electric in Louisiana filed the attached document last week. Havens had filed a petition to deny the sale of our spectrum to Dixie Electric, similar to what he filed against our sale to Duquesne and to other utilities.

While its primarily our responsibility to file with the FCC under our contract, we would welcome any effort by Duquesne to supplement the record and file its own views with the FCC. I believe that filings by the end user are more compelling to the FCC, since we only have an economic interest as the seller, but utilities have a public safety and service interest in the transaction being completed successfully.

FYI.

John

On 1/4/11 11:09 AM, "John Reardon" < xreardon@earthlink.net> wrote:

Just to clarify, where I said below the FCC does not approve leases, what I mean is that we simply file the lease notice with the FCC, and there is no approval needed or given, its just a fact. Twenty one days after we file the lease notice, the lessee uses the spectrum.

On 1/4/11 11:06 AM, "John Reardon" < xreardon@earthlink.net > wrote:

Dear Lesley,

Thanks for your time on the phone today. It was good to catch up, and I hope you will not hesitate to contact me if you have any further questions or wish for me to attend a meeting in person in Pittsburgh. I am happy to do so!

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Yours sincerely,

John

John Reardon CEO Maritime Communications/Land Mobile, LLC 218 N. Lee Street, Suite 318 Alexandria, VA 22314 (703) 778-6555 office (703) 887-2109 cell (703) 548-4399 fax

From:

John Reardon [xreardon@earthlink.net]

Sent: To: Tuesday, January 04, 2011 1:28 PM

o: Subject: Gannon, Lesley Re: Our discussion

Okay Lesley, thank you.

John

On 1/4/11 1:15 PM, "Gannon, Lesley" < LGannon@duqlight.com > wrote:

John,

I got all of your messages. Thanks for forwarding the materials to me, and I'll let you know if we need you to come up and discuss the status or if we need your counsel's information.

Thanks again,

Les

Lesley C. Gannon
Attorney at Law
Legal and Environmental Services
Duquesne Light Company
411 Seventh Avenue
Pittsburgh, PA 15219
412-393-1518 - telephone
412-383-1418 - fax

From: John Reardon [mailto:xreardon@earthlink.net]

**Sent:** Tuesday, January 04, 2011 12:32 PM

To: Gannon, Lesley

Subject: Re: Our discussion

Dear Leslie.

After we hung up, I thought it may be helpful to share with you a recent filing by another utility which has been similarly harassed by Havens.

Dixie Electric in Louisiana filed the attached document last week. Havens had filed a petition to deny the sale of our spectrum to Dixie Electric, similar to what he filed against our sale to Duquesne and to other utilities.

While its primarily our responsibility to file with the FCC under our contract, we would welcome any effort by Duquesne to supplement the record and file its own views with the FCC. I believe that filings by the end user are more compelling to the FCC, since we only have an economic interest as the seller, but utilities have a public safety and service interest in the transaction being completed successfully.

FYI.

John

On 1/4/11 11:09 AM, "John Reardon" < xreardon@earthlink.net > wrote:

Just to clarify, where I said below the FCC does not approve leases, what I mean is that we simply file the lease notice with the FCC, and there is no approval needed or given, its just a fact. Twenty one days after we file the lease notice, the lessee uses the spectrum.

On 1/4/11 11:06 AM, "John Reardon" < xreardon@earthlink.net > wrote: Dear Lesley,

Thanks for your time on the phone today. It was good to catch up, and I hope you will not hesitate to contact me if you have any further questions or wish for me to attend a meeting in person in Pittsburgh. I am happy to do so!

As I mentioned, we have retained the law firm of Wiltshire Grannis LLP to represent us at the FCC regarding the inquiry into the small business status of MCLM, LLC at the auction. Tricia Paoletta is the attorney in charge of our case there, she is excellent.

The licenses Duquesne Light is purchasing are incumbent, not auction licenses, so we are urging the FCC to approve incumbent license sales notwithstanding its inquiry about the auction licenses.

In any event, we hope to have the FCC inquiry wrapped up this month of January and to reach a global settlement agreement that resolves the Havens' allegations once and for all. We feel very strongly that once the FCC approves the assignment of licenses to Duquesne Power, it is most unlikely for them or the District Court of Appeals in DC to reverse the FCC's decision.

This view is strengthened by the fact that Havens has already had a bite at the apple, having appealed his California case against us, Mobex Communications, Inc. and Paging Systems, Inc. (other AMTS licensees) to the US Sup Ct and being denied his writ of certiorari. That denial is attached, please see page 16.

Havens also filed the same case in New Jersey federal court, we are this week preparing our motion to dismiss based on collateral estoppel and res judicata. Our attorney there is Rob Mauriello. Please let me know if you wish to talk with Rob or Tricia, or both, and I will send you their contact information.

This being America, anyone can sue anybody for anything. The likelihood of success varies greatly. We believe the chances that Havens would be successful in appealing an FCC grant to Duquesne Light are very small, and hope you agree to hang in there with us until we get that FCC approval, which could be any day or week now.

Also, we are amenable to leasing the spectrum for 99 years, which lease would expire automatically upon the

dismissal of Havens' appeal, if there is one. The FCC does not approve leases, and we believe this will be a slam dunk appeal dismissal of any FCC approvals.

I will send you any information directly by email going forward that relates to our transaction and/or any of this Havens nonsense.

Yours sincerely,

John

John Reardon CEO Maritime Communications/Land Mobile, LLC 218 N. Lee Street, Suite 318 Alexandria, VA 22314 (703) 778-6555 office (703) 887-2109 cell (703) 548-4399 fax

From: John Reardon [xreardon@earthlink net]
Sent: Monday, January 24, 2011 10:57 AM

To: Gannon, Lesley Subject: Letter to FCC

Attachments: 110121 Ex Parte Communications to FCC re Havens Applications.pdf

## Dear Lesley,

First of all, it was a great game yesterday and while I know you are not a huge Steelers fan, I can imagine the city must be a happy place to be this morning.

I wanted to share with you a document prepared by a number of third parties in support of applications pending between us and them or their members. I note they cc: Lee Pillar on this, I did not see the letter in advance so could not make that change to it.

However, its very supportive of us and urges the FCC to get on with business and approve these pending matters.

I did also want to ask if Duquesne Light would be interested in filing a similar letter urging the FCC to act, and pointing out the importance of the spectrum to your company's needs.

John

1001 G Street, N.W. Suite 500 West Washington, D.C. 20001 tel. 202.434.4100 fax 202.434.4646

January 21, 2011

#### By Hand Delivery and U.S. Mail

Ruth Milkman Chief, Wireless Telecommunications Bureau Federal Communications Commission 445 12<sup>th</sup> Street, SW Washington, D.C. 20554 Writer's Direct Access Jack Richards (202) 434-4210 richards@khlaw.com

Re: Notice of Written Ex Parte Communications in Multiple Proceedings:

In re MCLM and DCP Midstream LP Assignment Application,

WQGF316, File No. 0004354053, and other proceedings cited herein

Dear Ms. Milkman:

DCP Midstream, LP ("DCP"), Dixie Electric Membership Corporation ("DEMCO"). Enbridge Energy Company Inc. ("Enbridge"), EnCana Oil & Gas (USA). Inc. ("EnCana"). Pinnacle Wireless, Inc. ("Pinnacle"), the National Rural Telecommunications Cooperative ("NRTC") and the National Rural Electric Cooperative Association ("NRECA"), urge the Commission to act on longstanding applications to partition and disaggregate Automated Maritime Telecommunications System ("AMTS") licenses held by Maritime Communications/Land Mobile, LLC ("MCLM"). Some of these applications have been pending for more than 18 months, apparently held hostage to a long-standing dispute between Warren Havens<sup>2</sup> and MCLM, the two primary licensees in the AMTS band.

As discussed more fully below, the undersigned urge the Commission to grant post haste the pending applications of the signatories to this letter without prejudice to any enforcement action it eventually may take against MCLM:

- In re MCLM and DCP Midstream LP Assignment Application, call sign WQGF316, File No. 0004354053;
- In re MCLM and Dixie Electric Membership Corporation, Inc. Assignment Application, call sign WQGF316, File No. 0004507921;

Washington, D.C.

Brussels

an Francisco

Shanghai

<sup>&</sup>lt;sup>1</sup> See, FCC File Number 0004030479 (filed November 13, 2009).

<sup>&</sup>lt;sup>2</sup> Mr. Havens' companies apparently include Verde Systems LLC, Environmental LLC, Intelligent Transportation and Monitoring Wireless LLC, Telesaurus Holdings GB LLC and Skybridge Spectrum Foundation. These entities and Mr. Havens are collectively referred to as "Mr. Havens" herein.

# KELLER AND HECKMAN LLP

Ms. Ruth Milkman January 21, 2011 Page 2

- In re MCLM and Enbridge Energy Company, Inc. Assignment Application, call sign WQGF316, File No. 0004430505; and
- In re MCLM and EnCana Oil & Gas (USA), Inc. Assignment Application, call sign WQGF316, File No. 0004030479.

Since Mr. Havens has filed virtually identical Petitions To Deny against multiple additional applications by MCLM, this letter also is being filed in each of the following proceedings:

- In re MariTEL Northern Atlantic, Inc. Renewal Application, call sign WPOJ530, File No. 0003832407;
- In re MariTEL Great Lakes, Inc. Renewal Application, call sign WPOJ531, File No. 0003841628;
- In re MariTEL Northern Pacific, Inc. Renewal Application, call sign WPOJ532, File No. 0003836439;
- In re MariTEL Northern Pacific, Inc. and PacifiCorp Assignment Application, call sign WPOJ532, File No. 0003941632;
- In re MariTEL Mid-Atlantic, Inc. Renewal Application, call sign WPOJ533, File No. 0003832487:
- In re MariTEL Southern Atlantic, Inc. Renewal Application, call sign WPOJ534. File No. 0003832501;
- In re MariTEL Mississippi River, Inc. and East Kentucky Power Cooperative, Inc. Assignment Application, call sign WPOJ535, File No. 0004029237;
- In re MariTEL Mississippi River, Inc. Renewal Application, call sign WPOJ535, File No. 0003836437;
- In re MariTEL Southern Pacific, Inc. and PucifiCorp Assignment Application, call sign WPOJ536, File No. 0003941633;
- In re MariTEL Southern Pucific, Inc. and County of Riverside Assignment Application, call sign WPOJ536, File No. 0003743672: